

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RECEIVED

MAY 29 2012

AT 8:30
WILLIAM T. WALSH
CLERK

DAVID L. WOMACK, :
 : Civil Action No. 10-2932 (AET)
Plaintiff, :
 :
v. : **ORDER**
 :
WILLIAM J. MOLEINS, et al., :
 :
Defendants. :

IT APPEARING THAT:

1. On June 9, 2010 Plaintiff David L. Womack filed this civil action in forma pauperis, without prepayment of fees or security, asserting claims pursuant to 42 U.S.C. § 1983.
2. The matter was administratively terminated on June 11, 2010 because Plaintiff did not submit the \$350.00 filing fee or an in forma pauperis application as required by 28 U.S.C. § 1915(a)(1), including a certified copy of his inmate trust fund account statement(s) for the six-month period immediately preceding the filing of his complaint as required by 28 U.S.C. § 1915(a)(2).
3. On July 12, 2010 the Clerk of the Court received correspondence from Plaintiff regarding change of address.
4. On February 25, 2011 the Clerk of the Court received correspondence from Plaintiff indicating that he had been moved to a federal facility for surgery. Plaintiff stated that he had trouble obtaining the six-months statement due to his transfer.

5. On March 1, 2011 the Clerk of the Court received Plaintiff's Motion to Vacate and for Appointment of Counsel (docket entry 8), in which Plaintiff requested that case be reopened and that he be appointed counsel.
6. The Clerk of the Court received subsequent correspondence from Plaintiff, none of which satisfied the requirement to provide a certified copy of his inmate trust fund account statement(s) for the six-month period immediately preceding the filing of his complaint as required by 28 U.S.C. § 1915(a)(2).
6. On August 26, 2011, the matter was reopened to address the submissions from Plaintiff, the Motion to Vacate and for Appointment of Counsel was denied, and the matter once again administratively terminated.
7. On October 3, 2011, the Clerk of the Court received from Plaintiff an Application to proceed in forma pauperis.
8. Plaintiff had also filed, in the United States Court of Appeals for the Third Circuit, a Petition for Writ of Mandamus, seeking an order to compel this Court to screen two civil rights complaints (this case and 11-cv-2884) under the in forma pauperis statute, to consolidate the two cases, and to appoint counsel. That Petition was denied on November 3, 2011.
9. On November 14, 2011, this Court entered an order to reopen both cases for screening.

10. It appears that Plaintiff has now presented the Court with sufficient documents to support his in forma pauperis application.
11. On February 29, 2012, Plaintiff filed a third action, 12-cv-1232.
12. Plaintiff currently has three cases pending before this court, all seemingly related to incidents occurring while he was incarcerated at New Jersey State Prison.
13. While Plaintiff had sought an order from the Third Circuit to compel consolidation of two of the cases within this Court, he has not yet made such a request here. However, since it does not appear that Plaintiff wishes for three separate cases to proceed separately, especially when certain claims appear to be duplicative, Plaintiff will be given the opportunity to make a request to consolidate and to file one, all-inclusive Amended Complaint. Such Amended Complaint shall be filed under this docket number.
14. Plaintiff had also sought an order from the Third Circuit for appointment of counsel. Although Plaintiff states that he has difficulty preparing legal documents on his own behalf, he has provided no evidence that he is incapable of managing his own affairs. At the time that Plaintiff submits his Amended Complaint, he may resubmit his request for counsel and may include any evidence to support such a request.

IT IS THEREFORE on this 25th day of May, 2012,
ORDERED that Plaintiff may proceed in forma pauperis without
prepayment of the \$350.00 filing fee pursuant to 28 U.S.C. §
1915(a) and (b); and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00
and shall pay the entire filing fee in the manner set forth in
this Order pursuant to 28 U.S.C. § 1915(b)(1) and (2), regardless
of the outcome of the litigation; and it is further

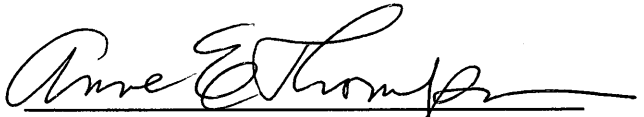
ORDERED that in each month that the amount in Plaintiff's
account exceeds \$10.00, until the \$350.00 filing fee is paid, the
agency having custody of Plaintiff shall assess, deduct from
Plaintiff's account, and forward to the Clerk of the Court
payment equal to 20% of the preceding month's income credited to
Plaintiff's account, pursuant to 28 U.S.C. § 1915(b)(2), and each
payment shall reference the civil docket number of this action;
and it is further

ORDERED that the Clerk of the Court shall serve a copy of
this Order by regular mail on the warden of the USP Florence
ADMAX, in Florence, Colorado in order for the filing fee to be
assessed; and it is further

ORDERED that Plaintiff shall, within 60 days of the date of
entry of this order, submit an Amended Complaint, under this
docket number, encompassing all of the claims that he wishes to
present before this court including those claims presented in 11-
cv-2884 and 12-cv-1232; and it is further

ORDERED that to the extent Plaintiff seeks appointment of counsel at this time, that request is denied, without prejudice to revisiting this issue at a later date; and it is finally

ORDERED that the Clerk of the Court shall serve this order upon Plaintiff via regular mail.


Anne E. Thompson
United States District Judge